

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GURDIP SINGH,

Plaintiff,

v.

9:08-CV-0860

THE MENTAL HEALTH DEPARTMENT OF
ATTICA CORRECTIONAL FACILITY; and
GREAT MEADOW CORRECTIONAL FACILITY,

Defendants.

APPEARANCES:

OF COUNSEL:

GURDIP SINGH, 98-A-6507

Plaintiff, *Pro Se*

Great Meadow Correctional Facility

Box 51

Comstock, NY 12821

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 28th day of August 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Plaintiff's complaint (Dkt. No. 1) is dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A, and Fed. R. Civ. P. 12(h)(3) unless (1) on or before October 20, 2008

plaintiff pays the Court's filing fee of three-hundred fifty dollars (\$350) **AND** (2) files an Amended Complaint that states a claim upon which relief might be granted (and states a claim against a Defendant over whom the court has subject-matter jurisdiction).

3. Plaintiff's motion to proceed *in forma pauperis* (Dkt. No. 2) is denied without prejudice.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 18, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge